

NOTICE AND ACKNOWLEDGMENT OF  
SERVICE BY MAIL

TO: Lilly USA L.L.C. aka Eli Lilly & Co.  
Registered Office, 590 Park Street #6  
Capitol Professional Building  
St. Paul, MN 55103

YOU ARE HEREBY NOTIFIED that the enclosed Summons and Complaint are served upon you pursuant to Rule 4.05 of the Minnesota Rules of Civil Procedure.

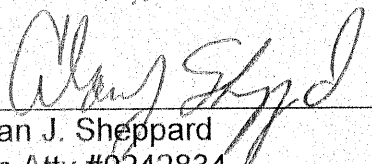
There is an "Acknowledgment of Receipt" form attached to this Notice. You must sign and date this acknowledgment and return it to the sender in the enclosed, stamped envelope within twenty days. Another copy of this acknowledgment is enclosed for you records.

Signing this Acknowledgment of Receipt is only an admission that you have received the Summons and Complaint, and does not waive any other defenses.

If you do not complete and return the form to the send within 20 days, you (or the party on whose behalf you are being served) may be required to pay any expenses incurred in serving this Summons and Complaint in any other manner permitted by law.

If you do complete and return this form, you (or the party on whose behalf you are being served) must answer the Complaint within 20 days. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.

I declare, under penalty of perjury, that this Notice and Acknowledgment of Receipt of Summons and Complaint was mailed on the 10<sup>th</sup> day of November, 2010.

  
Alan J. Sheppard  
Mn Atty #0242834  
921 2<sup>nd</sup> Ave So  
Fargo, ND 58103  
701-237-0302

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF BECKER

EIGHTH JUDICIAL DISTRICT

Frederick Skoda,

Plaintiff,

Vs

Lilly USA LLC, aka Eli Lilly & Co.

Defendant.

ACKNOWLEDGMENT OF RECEIPT OF  
SUMMONS AND COMPLAINT

I declare, under penalty of perjury, that I received a copy of the Summons  
and Complaint in the above-captioned matter.

Received at: \_\_\_\_\_

\_\_\_\_\_

By: \_\_\_\_\_

Dated: \_\_\_\_\_

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF BECKER

EIGHTH JUDICIAL DISTRICT

Frederick Skoda,

Plaintiff,

-vs-

Lilly USA LLC., aka Eli Lilly & Co.,

Defendant.

Ct. File No.

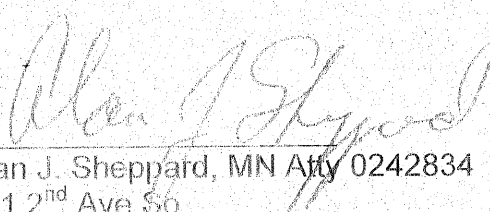
SUMMONS

THE STATE OF MINNESOTA TO THE ABOVE-NAMED DEFENDANT

YOU ARE HEREBY SUMMONED and required to appear and defend against the Complaint in this action, which is herewith served upon you, by serving upon the undersigned an Answer or other proper response within twenty (20) days after the service of this Summons upon you, exclusive of the date of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.

Dated this 1<sup>st</sup> day of Nov, 2010.

  
Alan J. Sheppard, MN Atty 0242834  
921 2<sup>nd</sup> Ave So  
Fargo, ND 58103  
701-237-0302

ATTORNEY FOR PLAINTIFF

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF BECKER

EIGHTH JUDICIAL DISTRICT

Frederick Skoda,

Plaintiff,

-vs-

Lilly USA LLC., aka Eli Lilly & Co.,

Defendant.

Ct. File No.

COMPLAINT

COMES NOW, the above named plaintiff, Frederick Skoda, by and through his attorney, Alan J. Sheppard, and for his cause of action against the defendant, states and alleges, as follows:

I.

Plaintiff is a resident of the County of Becker, State of Minnesota, and was employed by defendant as a Senior Sales Representative until "separation", on or about March 24, 2010.

II.

Although "separated" from his employment, the defendant used March 29, 2010, as the final date of employment.

III.

In addition to a salary, plaintiff was compensated by commissions based upon his quarterly sales of Effient (Prasugrel); Cialis (Tadalafil); and Core Value Metrics Commission.

IV.

The three commissions were to have been paid on June 9, 2010; which upon final calculation are due and unpaid, as follows:

Core Value Metrics	\$2,740.00
Cialis Premier Rewards	\$ 950.00
Effient Premier Rewards	\$4,500.00

V.

Demand for said commissions has been made and acknowledged by their attorney via letter dated June 10, 2010.

VI.

Defendant has violated section 181.13(a)(b) of the Minnesota Statutes by failing to pay said commissions within twenty four (24) hours of demand and at the usual place of payment (direct deposit to plaintiff's account).

VII.


The statute provides for a fifteen (15) day penalty of \$5,925 (\$100,829.93 divided by 255 working days equaling a \$395 daily rate) and for doubling (MSA section 181.03 Subd. 3); which would calculate for each commission, with penalty, as follows:

Core Value Metrics	\$17,330.00
Cialis Premier Rewards	\$13,750.00
Effient Premier Rewards	\$20,850.00
Total	\$51,930.00

WHEREFORE, plaintiff prays for judgment against the defendant, as follows:

1. For a money judgment in the sum of Fifty One thousand nine hundred thirty (\$51,930.00).
2. For his costs and disbursements.
3. For reasonable attorney fees.
4. For such other and further relief as to the Court seems just and equitable.

Dated this 1<sup>st</sup> day of Nov, 2010.

  
Alan J. Sheppard, MN Atty 0242834  
921 2<sup>nd</sup> Ave So  
Fargo, ND 58103  
701-237-0302

ATTORNEY FOR PLAINTIFF

VERIFICATION

Fredrick Skoda, being first duly sworn to oath, deposes and states:

I am the person named as the plaintiff in the foregoing Complaint, which I have read and know the contents thereof to be true and correct, except as to those items stated upon information and belief, which I also believe to be accurate.

ACKNOWLEDGMENT REQUIRED UNDER  
MINNESOTA STATUTES SECTION 549.211

Further, I hereby acknowledge that pursuant to section 549.211; the costs, disbursements, witness fees and reasonable attorneys' fees may be awarded to the defendant in the event the Court finds that I have acted in bad faith and/or asserted a frivolous claim.

  
Fredrick Skoda

Subscribed and sworn to before me this 2<sup>nd</sup> day of November, 2010.

  
Notary Public  
My Commission Expires: 1/31/13

(SEAL)

